

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

MANAGEMENT REGISTRY, INC.,

Civil No. 17-5009 (JRT/DTS)

Plaintiff,

v.

ORDER

A.W. COMPANIES, INC., ALLAN K.
BROWN, WENDY BROWN, and MILAN
BATINICH,

Defendants.

Anna Koch, Nicholas N. Sperling, and V. John Ella, **TREPANIER MACGILLIS BATTINA, PA**, 8000 Flour Exchange Building, 310 South Fourth Avenue, Minneapolis, MN 55415; James M. Morris, **MORRIS & MORRIS P.S.C.**, 217 North Upper Street, Lexington, KY 40507, for Plaintiff.

Donald M. Lewis, Joel Andersen, and Katie M. Connolly, **NILAN JOHNSON LEWIS PA**, 250 Marquette Avenue, Suite 800, Minneapolis, MN 55401, for Defendants.

On September 30, 2022, the Court granted in part and denied in part the parties' cross motions for summary judgment. (Mem. Op. & Order, Sept. 30, 2022, Docket No. 676.) Both parties filed letters requesting permission to file motions to reconsider under Local Rule 7.1(j). (Defs.' Letter to District Judge, Oct. 4, 2022, Docket No. 678; Pl's Letter to District Judge, Oct. 7, 2022, Docket No. 681.) After reviewing the letters and the responses to them, the Court finds that there are "compelling circumstances" warranting

permission. L.R. 7.1(j). Therefore, the Court will grant permission to both parties to file motions to reconsider.

The Court, however, will only consider arguments as to the claims and issues raised in the letters and no other claims or issues. Defendants' motion should only address Plaintiff's breach of contract claim against defendant Allan Brown, specifically addressing analysis of the Stock Purchase Agreement and the facts, inconsistencies with other findings, and the liability of individual defendants. Plaintiff's motion should only address (1) defendant Allan Brown's claim for fraudulent inducement, specifically the nature of the facts Defendants allegedly relied on and the effect of the integration clause, and (2) Defendants' claim for defamation, specifically facts in the record that may establish a genuine dispute of material fact and actual malice. The Court will also consider arguments that a party has forfeited an argument by not raising it previously.

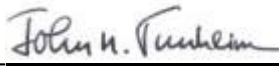
ORDER

Based on the foregoing, and all the files, records, and proceedings herein, **IT IS HEREBY ORDERED** that:

1. Plaintiff's Request for Permission to File a Motion to Reconsider [Docket No. 678] is **GRANTED**;
2. Defendants' Request for Permission to File a Motion to Reconsider [Docket No. 680] is **GRANTED**; and
3. The parties are **ORDERED** to file their motions and supporting briefs and evidence as follows:

- a. The parties shall file their motions for reconsideration, supporting briefs, and supporting evidence no later than 21 days after entry of this Order;
- b. The parties shall file their responses no later than 35 days after entry of this Order; and
- c. The parties shall file their replies, if any, no later than 42 days after entry of this Order.

DATED: October 21, 2022
at Minneapolis, Minnesota.



JOHN R. TUNHEIM
United States District Judge